

PATENT COOPERATION TREATY

PCT

22 FEB 2005

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

WIPO PCT

27 SEP 2005

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| Applicant's or agent's file reference FP19170 | FOR FURTHER ACTION | | See Form PCT/IPEA/416 |
| International application No. PCT/AU2004/000366 | International filing date (day/month/year) 25 March 2004 | Priority date (day/month/year) 27 March 2003 | |
| International Patent Classification (IPC) or national classification and IPC Int. Cl. 7 B21B 15/00, 37/56, 37/68, B21D 1/05, 11/12, 13/04, 43/28, B23D 15/04, 17/00, 23/00, 23/02, B26D 1/04 | | | |
| Applicant BLUESCOPE STEEL LIMITED et al | | | |

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 4 sheets, including this cover sheet.

3. This report is also accompanied by ANNEXES, comprising:

a. (sent to the applicant and to the International Bureau) a total of sheets, as follows:

sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).

sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.

b. (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or table related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).

4. This report contains indications relating to the following items:

| | |
|--|---|
| <input checked="" type="checkbox"/> Box No. I | Basis of the report |
| <input type="checkbox"/> Box No. II | Priority |
| <input type="checkbox"/> Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input checked="" type="checkbox"/> Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> Box No. VI | Certain documents cited |
| <input type="checkbox"/> Box No. VII | Certain defects in the international application |
| <input type="checkbox"/> Box No. VIII | Certain observations on the international application |

| | |
|---|--|
| Date of submission of the demand 27 January 2005 | Date of completion of the report 14 February 2005 |
| Name and mailing address of the IPEA/AU AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaaustralia.gov.au Facsimile No. (02) 6285 3929 | Authorized Officer JASON PREMNATH Telephone No. (02) 6283 2127 |

Box No. I

Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

This report is based on translations from the original language into the following language, which is the language of a translation furnished for the purposes of:

- international search (under Rules 12.3 and 23.1 (b))
- publication of the international application (under Rule 12.4)
- international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

the international application as originally filed/furnished

the description:

| | |
|--------|--|
| pages | as originally filed/furnished |
| pages* | received by this Authority on with the letter of |
| pages* | received by this Authority on with the letter of |

the claims:

| | |
|--------|---|
| pages | as originally filed/furnished |
| pages* | as amended (together with any statement) under Article 19 |
| pages* | received by this Authority on with the letter of |
| pages* | received by this Authority on with the letter of |

the drawings:

| | |
|--------|--|
| pages | as originally filed/furnished |
| pages* | received by this Authority on with the letter of |
| pages* | received by this Authority on with the letter of |

a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.

3. The amendments have resulted in the cancellation of:

- the description, pages
- the claims, Nos.
- the drawings, sheets/figs
- the sequence listing (*specify*):
- any table(s) related to the sequence listing (*specify*):

4. This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- the description, pages
- the claims, Nos.
- the drawings, sheets/figs
- the sequence listing (*specify*):
- any table(s) related to the sequence listing (*specify*):

* If item 4 applies, some or all of those sheets may be marked "superseded."

Box No. IV Lack of unity of invention

1. In response to the invitation to restrict or pay additional fees the applicant has:
 - restricted the claims.
 - paid additional fees.
 - paid additional fees under protest.
 - neither restricted nor paid additional fees.
2. This Authority found that the requirement of unity of invention is not complied with and chose, according to Rule 68.1, not to invite the applicant to restrict or pay additional fees.
3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is:
 - complied with.
 - not complied with for the following reasons:

The claims 1 - 17 relate to a method/ apparatus for roll forming a metal section. It is considered that "differentially stretching a metal strip, forming a profiled section and bending the profiled section so as to introduce a longitudinal pre-camber in the profiled section" comprises the first special technical feature.

The claims 18 - 21 relate to a shearing assembly for use in cutting a profiled metal section. It is considered that "an assembly frame, a shearing block and a cutting element" comprises the second special technical feature.

Since these groups of claims do not share any of the special technical features identified, a technical relationship between the inventions does not exist. Accordingly the claims do not relate to one invention or to a single inventive concept
4. Consequently, this report has been established in respect of the following parts of the international application:
 - all parts.
 - the parts relating to claims Nos.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/AU2004/000366

Box No. V **Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. Statement

| | | |
|-------------------------------|---------------|-----|
| Novelty (N) | Claims 1 - 21 | YES |
| | Claims | NO |
| Inventive step (IS) | Claims 1 - 21 | YES |
| | Claims | NO |
| Industrial applicability (IA) | Claims 1 - 21 | YES |
| | Claims | NO |

2. Citations and explanations (Rule 70.7)

Novelty (N) and Inventive Step (IS)

Documents cited in the ISR:

- D1) AU 10145/02 (Relevant to claims 1 - 17)
- D2) WO 2002038885 (Relevant to claims 1 - 17)
- D3) GB 2045129 (Relevant to claims 1 - 17)
- D4) WO 2002022327 (Relevant to claims 18 - 21)
- D5) GB 12971182 (Relevant to claims 18 - 21)
- D6) RU 2039638 (Relevant to claims 18 - 21)

D1 is considered to be the nearest prior art in relation to claims 1 - 17. D1 discloses a method of introducing pre-camber in a metal strip by differentially stretching a metal strip (page 5 line 25 - 28). Claims 1 - 17 in contrast disclose a method or an apparatus for producing pre-camber in a metal strip by differentially stretching a metal strip, roll forming the metal strip to form a profiled section and then bending the profiled section to introduce a pre-camber. The additional steps of roll forming and bending to introduce pre-camber are not disclosed in D1.

The claims 18 - 21 are novel because none of the cited documents discloses all the essential features of the claims, in particular, a shearing assembly for cutting a profiled section comprising of a height adjustable shearing block and an angle adjustable cutting element.

Accordingly the claims 1 - 21 are novel and considered to involve an inventive step